

PHILLIP A. TALBERT  
United States Attorney  
JUSTIN J. GILIO  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FRANCISCO TORRES,  
  
Defendant.

CASE NO. 1:23-CR-00142-JLT-SKO  
  
STIPULATION AND ORDER REGARDING  
EXCLUDABLE TIME PERIODS UNDER SPEEDY  
TRIAL ACT  
  
DATE: 8/7/2024  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**BACKGROUND**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 8/7/2024.
2. By this stipulation, defendant now moves to continue the status conference until 12/4/2024, and to exclude time between 8/7/2024, and 12/4/2024, under 18 U.S.C. § 3161(h)(7)(A), B(i), (iv).
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes recorded communications, cellphone extractions, investigative reports, and various media evidence. This discovery has been produced to the defense or made available for inspection and copying.

b) Counsel for defendant desires additional time consult with his client, review the voluminous discovery, conduct independent investigation, and pursue a potential pretrial resolution of the case.

c) The parties have been engaged in plea negotiations and plan to have a plea agreement completed in the intervening time.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of 8/7/2024 to 12/4/2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because failure to grant the continuance would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

1 Dated: July 25, 2024

PHILLIP A. TALBERT  
United States Attorney

2  
3 /s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

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6 Dated: July 25, 2024

/s/ Griffin Estes  
Griffin Estes  
Counsel for Defendant  
Francisco Torres

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11  
12 **ORDER**

13 IT IS SO ORDERED.

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15 Dated: 7/26/2024

Sheila K. Oberto  
THE HONORABLE SHEILA K. OBERO  
UNITED STATES MAGISTRATE JUDGE